



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 1, 2020

VIA ECF

Hon. Jesse M. Furman
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: *Burke v. Cissna, et al.*, No. 20 Civ. 294 (JMF)

Dear Judge Furman:

This Office represents the government in this action in which plaintiff seeks an order compelling U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate his Application to Adjust Status (Form I-485). On behalf of the government, I write respectfully to request an on-consent extension of time of 46 days to respond to the complaint in the above-referenced matter (*i.e.*, from December 4, 2020 to January 19, 2021). If the Court grants the requested extension, the parties further request that the conference presently scheduled for December 9, 2020 be adjourned to a date during or after the week of January 25, 2021.

As previously noted, after USCIS reviewed additional information submitted by the plaintiff, USCIS determined that the plaintiff needed to request a waiver by filing Form I-601 in order to continue adjudication of his Form I-485. The plaintiff has now submitted the waiver, which is being processed and the file is being prepared for adjudication. The extension is respectfully requested to provide additional time for USCIS to complete processing and review of the file and to proceed to adjudicate the application, which would render this action moot.

This is the government’s fifth request for an extension of the deadline to respond to the complaint.¹ Plaintiff’s counsel consents to this request.

¹ On April 9, 2020, the government requested an extension of the deadline to respond to the complaint due to the COVID-19 pandemic. *See* ECF No. 34. On April 13, 2020, this Court granted that request. *See* ECF No. 35. On July 2, 2020, the government requested another extension because USCIS had scheduled plaintiff for an interview on July 29, 2020. *See* ECF No. 36. That same day, this Court granted that request. *See* ECF No. 37. On August 18, 2020, the government requested another extension because USCIS issued a notice requesting additional information from plaintiff. *See* ECF No. 38. On August 19, 2020, this Court granted that request. *See* ECF No. 38. On October 1, 2020, the government requested another extension to provide time for the plaintiff to request a waiver. *See* ECF No. 40. On October 2, 2020, the Court granted that request. *See* ECF No. 41. The Court also has granted corresponding adjournments of the initial conference.

I thank the Court for its consideration of this letter.


Respectfully submitted,

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cc: Counsel of record (via ECF)

The Application is GRANTED. The initial pretrial conference -- currently scheduled for December 9, 2020 -- is rescheduled to **January 27, 2021, at 3:45 p.m.** The Clerk of Court is directed to terminate ECF No. 46. SO ORDERED.



December 1, 2020